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# **PRELIMINARY DRAFT**

## **No. 3203**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2012 GENERAL ASSEMBLY**

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### **DIGEST**

**Citations Affected:** IC 35-38-1-7.8.

**Synopsis:** Credit restricted felons. Requires a sentencing court to inform the department of correction if the person sentenced is a credit restricted felon, and makes a person who commits additional offenses a credit restricted felon. Requires a court that determines that a person sentenced is a credit restricted felon to state in the sentencing order that the person is a credit restricted felon.

**Effective:** July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-38-1-7.8 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2012]: **Sec. 7.8. (a) At the time of sentencing, a court shall**  
4 **determine whether a person is a credit restricted felon (as defined**  
5 **in IC 35-41-1-5.5).**

6       **(b) A determination under subsection (a) must be based upon:**

7       **(1) evidence introduced at trial; or**

8       **(2) a factual basis provided as part of a guilty plea.**

9       **(c) Upon determining that a defendant is a credit restricted**  
10 **felon, a court shall advise the defendant of the consequences of this**  
11 **determination.**

12       **(d) A judge shall record a determination that a defendant is a**  
13 **credit restricted felon on a form prepared by the division of state**  
14 **court administration.**

15       **(e) If a court determines that a person is a credit restricted**  
16 **felon, the court shall state in the person's sentencing order that the**  
17 **person is a credit restricted felon.**

